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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/266,790 03/12/99 CHEN

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EXAMINER

KALINOWSKI, A

ART UNIT	PAPER NUMBER
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2166

DATE MAILED:

11/09/00

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No. 09/266,790	Applicant(s) Chen et al.
Examiner Alexander Kalinowski	Group Art Unit 2166



Responsive to communication(s) filed on Mar 12, 1999

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

Claim(s) 1-16 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-16 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

1. Claims 1-16 are presented for examination.

### *Oath/Declaration*

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the post office address of each inventor. A post office address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The post office address should include the ZIP Code designation.

### *Specification*

3. The disclosure is objected to because of the following informalities:
  - a. Pages 7 and 18 are blank. Remove blank pages from the specification;
  - b. On page 5, line 4, delete second instance of “image”;
  - c. On page 19, line 6, after “the”, delete “an”;
  - d. The specification contains numerous references to hyperlinks. For example page 11, line 5 and line 26, page 25, lines 13-16 and page 28 contain references to hyperlinks. The use of hyperlinks and/or other forms of browser-executable code are

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impermissible and require deletion. The attempt to incorporate subject matter into the patent application by reference to a hyperlink and/or other forms of browser-executable code is considered to be an improper incorporation by reference. See MPEP 608.01(p), paragraph I regarding incorporation by reference.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-3, 5-7, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by d'Eon et al., Pat. No. 6,006,197 (hereinafter d'Eon).

With respect to claim 1, d'Eon discloses a method of providing information on advertisements viewed (see abstract) comprising:

a) instrumenting a viewing device with an instrumentation program (i.e. tracker module 16)(col. 4, lines 2-10);

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- b) receiving information at the viewing device, the information including advertisements (i.e. banner advertisement)(col. 4, lines 23-34); and
- c) collecting information identifying the advertisements received (i.e. a network path name is invoked to hyperlink the user to the Web page associated with the advertisement)(col. 4, lines 57-65).

With respect to claim 2, d'Eon discloses the method as recited by claim 1 wherein a sample of a population of viewing devices are instrumented with the instrumentation program (see Fig. 1 and col. 4, line 2-10).

With respect to claim 3, d'Eon discloses the method as recited by claim 1 wherein the advertisements are banner images (i.e. banner advertisement)(col. 4, lines 23-34).

With respect to claim 5, d'Eon discloses a method of determining the reach and frequency of view of an advertisement (see abstract) comprising:

- a) instrumenting a viewing device with an instrumentation program (i.e. tracker module 16)(col. 4, lines 2-10);
- b) receiving information at the viewing device, the information including advertisements (i.e. banner advertisement)(col. 4, lines 23-34); and

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c) collecting information identifying the advertisements received (i.e. a network path name is invoked to hyperlink the user to the Web page associated with the advertisement)(col. 4, lines 57-65).

With respect to claim 6, d'Eon discloses the method as recited by claim 5 wherein a sample of a population of viewing devices are instrumented with the instrumentation program (i.e. banner advertisement)(col. 4, lines 23-34).

With respect to claim 7, d'Eon discloses the method as recited by claim 5 wherein the advertisements are banner images program (see Fig. 1 and col. 4, line 2-10).

With respect to claim 13, d'Eon discloses a method of collecting information regarding advertisements viewed by a client computer communicating with a distributed network (see Fig. 1 and abstract), the method comprising the steps of:

- a) receiving an advertising image from the distributed network at the client computer (i.e. banner advertisement)(col. 4, lines 23-34);
- b) deriving a unique identifier identifying the advertising message (i.e. a network path name is invoked to hyperlink the user to the Web page associated with the advertisement)(col. 4, lines 57-65);

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c) reporting the unique identifier to an analysis engine (i.e. tracker module 16)(col. 5, lines 35-50).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over d'Eon as applied to claim 1 above, and further in view of Kaiserswerth et al., Pat. No. 5,684,954 (hereinafter Kaiserswerth).

With respect to claim 4, D'Eon discloses the method as recited by claim 1 wherein the collected information comprises a banner image 102 URL (col. 4, lines 57-67). d'Eon does not explicitly disclose

the collected information includes a checksum and a length.

However, Kaiserswerth discloses a system for extracting connection information in a communication network (see abstract and col. 1, lines 9-12). Kaiserswerth discloses collecting information on incoming messages including a checksum and length (see Table 1 and col. 5, lines

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16-40). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the collected information includes a checksum and a length within the d'Eon system to provide fast and reliable processing of addressing information in a networked environment (col. 1, lines 9-12 and col. 2, lines 1-6 and lines 56-67).

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over d'Eon as applied to claim 5 above, and further in view of Kaiserswerth.

With respect to claim 8, D'Eon discloses the method as recited by claim 5 wherein the collected information comprises a banner image 102 URL (col. 4, lines 57-67). d'Eon does not explicitly disclose

the collected information includes a checksum and a length.

However, Kaiserswerth discloses a system for extracting connection information in a communication network (see abstract and col. 1, lines 9-12). Kaiserswerth discloses collecting information on incoming messages including a checksum and length (see Table 1 and col. 5, lines 16-40). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the collected information includes a checksum and a length within the d'Eon system to provide fast and reliable processing of addressing information in a networked environment (col. 1, lines 9-12 and col. 2, lines 1-6 and lines 56-67).

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9. Claims 9-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over d'Eon in view of Marsh et al., Pat. No. 5,848,397(hereinafter Marsh).

With respect to claim 9, d'Eon discloses a panel computer comprising a stored program for instrumenting the computer to report information regarding the advertising images viewed on the computer (i.e. tracker software 16)(see Fig. 1 and abstract), the computer comprising:

c) a second storage area storing the second stored program, the second stored program when executed causing the computer to collect statistics on advertisements retrieved from the distributed network and viewed on the computer, the second stored program collecting information regarding the advertisements viewed (i.e. a network path name is invoked to hyperlink the user to the Web page associated with the advertisement)(col. 4, lines 57-65).

d'Eon does not explicitly disclose

a) a first port coupled in communication with the distributed network.

However, Marsh discloses a first port coupled in communication with the distributed network (col. 5, lines 36-48). The purpose of the connection is to allow the client computer to communicate with other computer systems (col. 5, lines 36-38). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a first port coupled in communication with the distributed network within the d'Eon system for the motivation stated above.

d'Eon does not explicitly disclose

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b) a first storage area storing the first stored program, the first stored program when executed causing the computer to allow user controlled access to the distributed network.

However, the Examiner interprets this limitation to be a browser program. The Examiner takes official notice that it was well known in the computer arts to use browser programs provided by Internet Service Providers (e.g. CompuServe, AOL) to access web sites on the Internet. The programs allowed authorized users access to the Internet. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a first storage area storing the first stored program, the first stored program when executed causing the computer to allow user controlled access to the distributed network within the d'Eon system in order to access web sites on the Internet

With respect to claim 10, d'Eon discloses the panel computer as cited by claim 9 wherein the advertisements are banner images (see Fig. 1 and col. 4, line 2-10).

With respect to claim 12, d'Eon discloses the panel computer as recited by claim 9 wherein the distributed network is the Internet (see Fig. 1, unit 14).

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over d'Eon and Marsh as applied to claim 9 above, and further in view of Kaiserswerth.

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With respect to claim 11, d'Eon discloses the panel computer as recited by claim 9 wherein the collected information comprises a banner image 102 URL (col. 4, lines 57-67). d'Eon does not explicitly disclose

the collected information includes a checksum and a length.

However, Kaiserswerth discloses a system for extracting connection information in a communication network (see abstract and col. 1, lines 9-12). Kaiserswerth discloses collecting information on incoming messages including a checksum and length (see Table 1 and col. 5, lines 16-40). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the collected information includes a checksum and a length within the d'Eon system to provide fast and reliable processing of addressing information in a networked environment (col. 1, lines 9-12 and col. 2, lines 1-6 and lines 56-67).

11. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over d'Eon as applied to claim 13 above, and further in view of Kaiserswerth.

With respect to claim 14, d'Eon does not explicitly discloses the method as recited by claim 13 wherein the unique identifier comprises a checksum.

However, Kaiserswerth discloses a system for extracting connection information in a communication network (see abstract and col. 1, lines 9-12). Kaiserswerth discloses collecting

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information on incoming messages including a checksum and length (see Table 1 and col. 5, lines 16-40). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the method as recited by claim 13 wherein the unique identifier comprises a checksum within the d'Eon system to provide fast and reliable processing of addressing information in a networked environment (col. 1, lines 9-12 and col. 2, lines 1-6 and lines 56-67).

With respect to claim 15, d'Eon does not explicitly disclose the method as recited by claim 13 wherein the unique identifier comprises a checksum and the length of the advertising image.

However, Kaiserswerth discloses a system for extracting connection information in a communication network (see abstract and col. 1, lines 9-12). Kaiserswerth discloses collecting information on incoming messages including a checksum and length (see Table 1 and col. 5, lines 16-40). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the method as recited by claim 13 wherein the unique identifier comprises a checksum and the length of the advertising image within the d'Eon system to provide fast and reliable processing of addressing information in a networked environment (col. 1, lines 9-12 and col. 2, lines 1-6 and lines 56-67).

With respect to claim 16, d'Eon discloses the method as recited by claim 13 wherein the step of reporting to the analysis engine is accomplished by transmitting a message over the distributed network from the client to a server, the message including the unique identifier (i.e.

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when a user clicks on an advertisement, identifying information, such as an image of the banner and a unique visitor identification number is sent to tracker module 16 (see col. 5, lines 34-49). Since the tracker module may reside on the advertisement home Web site, the information is sent from the client to a server)(see col. 4, lines 2-10).

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Pat. No. 5,644,713 discloses a method for transferring path information of an internetworking device or router.
- b. "NetRatings Debuts Web Planning Service" discloses a Web based tracking service to see how banner ads perform on a site by site basis.
- c. "Nielsen Media research and NetRatings in Strategic Alliance to Deliver Internet Measurement Service" discloses software that tracks web site activity including advertising activity.
- d. "The New Ratings Game" discloses rating companies that measure and monitor Web usage including advertising activity.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 8:30 AM to 6:00 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (703) 305-9643. The fax telephone number for this group is (703) 305-0040.

Alexander Kalinowski *AK*

11/4/2000



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